



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Ms. Linda W. Beazley
Executive Director
Richmond County Board
of Elections
104 City-County Building
Augusta, Georgia 30911

JUL 15 1988

Dear Ms. Beazley:

This refers to the schedule for conducting special consolidation referendum elections on July 19, 1988, in the City of Augusta and in Richmond County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your initial submissions on May 4, 1988; supplemental information was received on May 20 and 25, 1988.

At the outset, we note that the issue of the reorganization and consolidation of the county and city governments is not before us for review under Section 5 and that the only changes presently submitted for our review are those relating to the procedures for the special elections and the date chosen for those elections. In that respect, we have considered carefully all of the materials provided by you, along with information available to us from other interested parties. From all indications, it appears that the issue of whether or not to reorganize the City of Augusta and Richmond County into one unified government is one which has divided the electorate largely along racial lines and one of intense interest in the City of Augusta and Richmond County. Indeed, we note from your submission the observation that the consolidation referenda were set as a special election because it was felt that the consolidation issue was of such great importance that it should appear on a ballot by itself. Yet, other indications are that the particular date selected for the special election is in no way calculated to encourage greater participation and, in spite of the apparent polarization of opinion along racial lines on an issue deemed to be important enough to warrant the expense of holding a separate election, the date for the referenda election was chosen without any apparent consideration or serious solicitation of the views of the black community with respect to an appropriate date for the election.

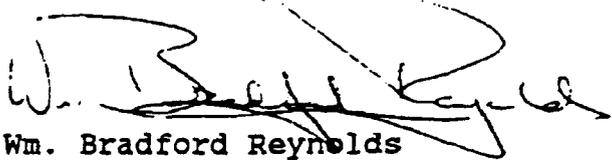
Considering all the information presented to us, we have been made aware of no compelling justification for holding this election on the date chosen. On the other hand, the circumstances of which we are aware lend some merit to the concern, expressed by some, that the setting of the July 19 date was calculated to disadvantage the black constituency by timing the election so as to take advantage of conditions that would suppress the black voter turnout.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has no discriminatory purpose or effect. See Georgia v. United States, 411 U.S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the date selected for conducting the referenda elections.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.45 of the guidelines permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the holding of the referenda on July 19, 1988, legally unenforceable. 28 C.F.R. 51.10.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the City of Augusta and Richmond County plan to take with respect to this matter. If you have any questions, feel free to call Sandra S. Coleman (202-724-6718), Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division